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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/572,900	03/21/2006	Alfred Boucek	2003P14866WOUS	2994

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SIEMENS CORPORATION
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EXAMINER	
TABOR, AMARE F	
ART UNIT	PAPER NUMBER
2439	

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No.	Applicant(s)	
	10/572,900	BOUCEK ET AL.	
	Examiner	Art Unit	
	AMARE TABOR	2439	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE *3* MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *19 November 2008*.

2a)☐ This action is **FINAL**. 2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *12,14,16 and 25-27* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *12,14,16 and 25-27* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☐ The drawing(s) filed on _____ is/are: a)☐ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☒ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____.
5) ☐ Notice of Informal Patent Application
6) ☐ Other: _____.

DETAILED ACTION

1. This correspondence is in response to **RESPONSE TO RESTRICTION REQUIREMENT** filed on November 19, 2008.

Election/Restrictions

2. Applicant's election without traverse of Group I (Claims 12, 14, 16 and 25-27) in the reply filed on 11/19/2008 is acknowledged. The restriction made on Nov' 07, 2008 is made final.

3. Claims 28-31 (Group II) are withdrawn from consideration.

4. **Claims 12, 14, 16 and 25-27** are pending.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

Claims 12, 14, 16 and 25-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshimoto et al. (US 6,237,023 B1 – "Yoshimoto") in view of "Baum" (US 2004/0111640 A1), and further in view of Senapati et al. (US 2003/0041151 A1 – "Senapati")

As per Claim 12, Yoshimoto teaches,

A method for performing data transmission via a subscriber's connection in an Ethernet communication network, the method comprising: transmitting the connection data and the subscriber data via the subscriber's connection in accordance with a predefined protocol for the Ethemet communication network [see network cable **101** in FIG.1; and for example, col.3, lines 42-47] comprising at least a link establishment stage to establish a session based on data supplied in one or more discovery messages; transmitting said one or more discovery messages to the communication network via the subscriber's

connection [see FIGS.1-5 – where Yoshimoto discloses **SERVICE/CONNECTION REQUEST** and transmitting client's service request to server over the network connection cable 101];

and authenticating [see **AUTHENTICATION SERVER** in FIG.1] a session [**service/connection request**] via the subscriber's connection by using the combination of the connection data [**terminal identifier**] and the subscriber data [**user identifier**] contained in said one or more discovery messages [see **SERVICE/CONNECTION REQUEST** in FIGS.2-5], wherein the session is established upon a joint verification [see **DECIDE CORRESPONDING AUTHORITY SERVER TERMINAL** in FIGS.2-5] of the connection data and the subscriber data which in combination identify the subscriber's connection, said joint verification of the connection data and the subscriber data [see FIGS.2-5] enhancing a likelihood of accurately authenticating the session through the subscriber's connection [see for example, col.1, line 59 to col.2, line 6].

Yoshimoto teaches defining a connection data [see abstract], wherein the connection data includes a terminal identification that uniquely identifies a subscriber's connecting line corresponding to the subscriber's connection [see **ACQUIRE TERMINAL IDENTIFIER SERVICE REQUEST S301** in FIG.2, **ACQUIRE TERRMINAL IDENTIFIER FROM CONNECTION REQUEST S301** in FIG.3 and **IDENTIFIER ACQUISITION MODULE** in FIGS.6 and 7]. On the other hand, in the same filed of endeavor, **Baum** teaches acquiring port identifier [see **PORT NUMBER** in FIGS.7, 8, 12 and 18] from a switching device [see **EDGE ROUTERS** in FIGS.5 and 6] in a high-ranking network [see **ETHERNET LAN** in FIG.5]. Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of Applicants' invention was made, to modify the system of **Yoshimoto** by incorporating the teaching of **Baum** in order to restrict access to services based on the location of the device [see at least abstract of **Baum**].

Yoshimoto combined with **Baum** discloses defining a subscriber data including a user identifier [see **ACQUIRE USER IDENTIFIER FROM SERVICE REQUEST S202-S401** in FIGS.2 and 4, **ACQUIRE USER IDENTIFIER FROM CONNECTION REQUEST S302-S501** in FIGS.3 and 5 and **IDENTIFIER ACQUISITION MODULE** in FIGS.6 and 7 of **Yoshimoto**], wherein the connection data and the

subscriber data in combination uniquely identify the subscriber's connection [see abstract of **Yoshimoto**]; but fails to disclose data including a user name and a password; and inserting the connection data and the subscriber data as respective tags in said one or more discovery messages. However, in the same filed of endeavor, **Senapati** discloses data including a user name and a password [see **Generic Password 234, User identifier 238, Username 240…** in FIG.2]; and inserting the connection data and the subscriber data as respective tags in said one or more discovery messages [see **Modem 104** in FIGS.1 and 2; and for example, par.0047 and 0063-0071]. Therefore, it would have been obvious to a person having ordinary skill in the art, at the time of Applicants' invention was made, to modify **Yoshimoto-Baum** combination by incorporating the teaching of **Senapati** in order to improve subscriber's connection [see at least abstract of; and for example Background – where **Senapati** proposes improving DSL service].

As per Claim 25, Yoshimoto-Baum-Senapati combination teaches,

A communication device for a communication system for performing data transmission via a subscriber's connection in an Ethernet communication network, comprising: a connection data including a port identification [see **PORT NUMBER** in FIGS.7, 8, 12 and 18 of **Baum**] that uniquely identifies a subscriber's connecting line corresponding to the subscriber's connection [see **ACQUIRE TERMINAL IDENTIFIER SERVICE REQUEST S301** in FIG.2, **ACQUIRE TERRMINAL IDENTIFIER FROM CONNECTION REQUEST S301** in FIG.3 and **IDENTIFIER ACQUISITION MODULE** in FIGS.6 and 7 of **Yoshimoto**]; a subscriber data including a user name [see **ACQUIRE USER IDENTIFIER FROM SERVICE REQUEST S202-S401** in FIGS.2 and 4, **ACQUIRE USER IDENTIFIER FROM CONNECTION REQUEST S302-S501** in FIGS.3 and 5 and **IDENTIFIER ACQUISITION MODULE** in FIGS.6 and 7 of **Yoshimoto**] and a password [see **Generic Password 234, User identifier 238, Username 240…** in FIG.2 of **Senapati**], wherein the connection data and the subscriber data constitutes a combination of data that uniquely identifies the subscriber's connection [see abstract of **Yoshimoto**]; a transmitter that is allocated to the communication device and transmits the connection user data and the subscriber data to the communication network [see FIG.1 – where **Yoshimoto** discloses servers 102 and clients 103, 105

and 106]; and an authenticator [see **AUTHENTICATION SERVER** in FIG.1 of **Yoshimoto**] located in the communication network that verifies authenticity of a session via the subscriber's connecting line by using the connection data and the subscriber data, wherein the connection data and the subscriber data is transmitted via the subscriber's connection in accordance with a predefined protocol for the Ethernet communication network comprising at least a link establishment stage to establish a session based on data supplied in one or more discovery messages transmitted via the subscriber's connection to the communication network [see FIGS.1-5 – where **Yoshimoto** discloses **SERVICE/CONNECTION REQUEST** and transmitting client's service request to server over the network connection cable 101], wherein the connection data and the subscriber data are inserted as respective tags into said one or more discovery messages [see **Modem 104** in FIGS.1 and 2; and for example, par.0047 and 0063-0071 of **Senapati**], wherein the authenticator [see **AUTHENTICATION SERVER** in FIG.1 of **Yoshimoto**] is configured to authenticate a session **[service/connection request]** via the subscriber's connection by using the combination of the connection data **[terminal identifier]** and the subscriber data **[user identifier]** contained in said one or more discovery messages [see **SERVICE/CONNECTION REQUEST** in FIGS.2-5 of **Yoshimoto]**, wherein the session is established upon a joint verification of the connection data and the subscriber data which in combination identify the subscriber's connection, said joint verification of the connection data and the subscriber data [see FIGS.2-5 of **Yoshimoto**] enhancing a likelihood of accurately authenticating the session through the subscriber's connection [see for example, col.1, line 59 to col.2, line 6 of **Yoshimoto**].

As per Claim 14, Yoshimoto-Baum-Senapati combination teaches,

wherein the connection data is stored in the communication network [see FIGS.6 and 7; and for example, col.8, line 53 to col.9, line 34 of **Yoshimoto**].

As per Claim 16, Yoshimoto-Baum-Senapati combination teaches,

wherein the subscriber's connection is allocated to a switching device located in the communication network [see FIGS.4 and 5; and for example, col.7, line 10 to col.8, line 21 – where

Yoshimoto discloses a relay server. See also **EDGE ROUTERS** in FIGS.5 and 6 of **Baum**], wherein the connection data and the subscriber data are inserted into said one or more discovery messages through the switching device [see **Modem 104** in FIGS.1 and 2; and for example, par.0047 and 0063-0071 of **Senapati**], wherein said one or more discovery messages [see **SERVICE/CONNECTION REQUEST** in FIGS.2-5 of **Yoshimoto**] which contain the connection data and the subscriber data are transmitted to an access network element located in the communication network see FIGS.1-5 – where **Yoshimoto** discloses **SERVICE/CONNECTION REQUEST** and transmitting client's service request to server over the network connection cable 101], wherein the respective tags which represent the connection data and the subscriber data contained in the messages is extracted in the access network element [see FIGS.2-5 of **Yoshimoto**. See also FIGS.1 and 2 of **Senapati**], and wherein the extracted connection data and the subscriber data [see **IDENTIFIER ACQUISITION MODULE** in FIGS.6 and 7 of **Yoshimoto**] are transmitted from the access network element to an authentication network element located in the communication network [see FIG.1 of **Yoshimoto**] where the joint verification of the connection data and the subscriber data is performed [see FIGS.2-5 of **Yoshimoto**].

As per Claims 26 and 27, Yoshimoto-Baum-Senapati combination teaches,

wherein the subscriber's connecting line is a wire connecting line through which the subscriber is physically connected to the communication network [see network cable 101 in FIG.1 of **Yoshimoto**]; and wherein the subscriber's connection and the transmitter are allocated to a switching device located in the communication network [see FIGS.4 and 5; and for example, col.7, line 10 to col.8, line 21 – where **Yoshimoto** discloses a relay server. See also **EDGE ROUTERS** in FIGS.5 and 6 of **Baum**].

CONTACT INFORMATION

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to **AMARE TABOR** whose telephone number is (571)270-3155. The examiner can normally be reached on Mon-Fri 8:00a.m. to 5:00p.m., EST.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, **Kambiz Zand** can be reached on (571) 272-3811. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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